

KCC 4767 (K-C 17,080)
PATENTREMARKS:

This letter is responsive to the final Office action dated April 29, 2004. Claims 25-27 and 30 are amended herein. Claims 17-19, 25-27, 30 and 31 are currently pending.

Objection to Drawings

Applicants acknowledge the Draftperson's comments and will submit formal drawings addressing these comments upon notice that one or more claims of the application are otherwise allowable.

Objection to Specification

The Summary of the Invention section is amended herein in accordance with the objections raised in paragraph 5 of the Office action.

Objection to Claims

Claims 26-27 are amended herein in accordance with the objections raised in paragraph 6 of the Office action.

Response to Rejection of Claims Under 35 U.S.C. §112, First ParagraphClaim 31

Applicants respectfully request reconsideration of the rejection of claim 31 under 35 U.S.C. §112 for failing to

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comply with the written description requirement, as raised in paragraph 7 of the Office action.

As a preliminary matter, applicants respectfully disagree with the Office's characterization of the phrase "stretchability of up to at least 150%" as meaning greater than or equal to 0%. If something cannot be stretched (e.g., beyond 0%), it is clearly not stretchable. The terms stretch, and stretchability, are used throughout the application to mean that some elongation (e.g., more than zero) of the component occurs. Thus, the recitation in claim 31 that the loop component has an elastic stretchability of up to at least about 150 percent means that the component must be capable of some elongation (e.g., greater than zero) up to at least about 150 percent.

Claim 31 depends directly from claim 30, which has been amended to clarify that the loop component comprises a loop material secured to an elastomeric substrate such that the loop component is elastomeric at the loop material. That is, the loop material and the substrate to which it is secured together elongate relative to a relaxed position of the loop component and then retract. Support for the loop component being elastomeric is found in the specification at page 25, lines 18-22, wherein the application discloses that the loop type fastener may include a stretch bonded laminate, and which may be elastomeric, so that the entire assembly is stretchable. See also page 32, lines 5-14.

With regard to support for the recitation of the loop component having a "stretchability of up to at least about 150 percent," the term elastomeric is defined at page 6,

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lines 13-19, as referring to a material or composite that can be elongated by at least 25 percent and which will recover upon release of an applied force at least 10 percent of its elongation. Such a definition supports the recitation that the loop component has a stretchability of greater than zero. The definition further recites that the component may be elongated at least 150 percent, and even up to 350 percent. This is further support for the recitation that the loop component has a stretchability of up to at least about 150 percent.

For these reasons, applicants submit that claim 31 complies with the written description requirement of 35 U.S.C. §112.

Response to Rejection of Claims Under 35 U.S.C. §112, Second Paragraph

Claim 31

Claim 31 depends from claim 30, which is amended herein as noted above to clarify that the loop material is secured to an elastic substrate such that the loop component is elastomeric at the loop material. As noted in the definition of the term elastomeric, the component is considered elastomeric even if it can only be elongated up to 25%, as long as it recovers at least 10% of the elongation upon release of the elongating force. Thus, the loop component recited in claim 30 may have a stretchability of up to less than 150 percent. Claim 31 further recites that the stretchability of the loop component is up to at least about 150 percent. Thus, in view of the amendments

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made to claim 30, claim 31 is submitted to satisfy the requirements of 35 U.S.C. §112.

Response to Rejection of Claims

Claim 25

Claim 25 as amended herein is directed to a method for securing engagement between fastening components of an article for personal wear. Specifically, the method comprises:

a) arranging hook and loop fastening components in at least partially opposed relationship with each other;

b) engaging the fastening components with each other to define an engagement seam whereby the hook component fastenably engages the loop material of the loop component; and

c) urging sliding movement of one fastening component relative to the other fastening component at the engagement seam to promote increased engagement between the fastening components at the engagement seam. (emphasis added).

Claim 25 is submitted to be unanticipated by and patentable over the references of record, and in particular U.S. Patent No. 5,669,901 (LaFortune et al.) and U.S. Patent No. 5,693,401 (Sommers et al.), in that whether considered alone or in combination the references fail to disclose or even suggest engaging hook and loop and loop fastening components to define an engagement seam and then urging sliding movement of one fastening component relative to the other fastening component at the engagement seam to promote increased engagement between the fastening components at the engagement seam.

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LaFortune et al. disclose an absorbent article having an improved mechanical fastening system comprising loop fasteners (52) secured to a moisture barrier (40) (e.g., an outer cover of the article) and corresponding hook fasteners (54) secured to opposite ends of elastic strap members (50). In use, the elastic strap members may be stretched or relaxed and then the hook fasteners engaged with the corresponding loop fasteners. However, there is no disclosure anywhere in LaFortune et al. of the hook and loop fasteners moving relative to each other at the engagement seam therebetween to increase the engagement between the fasteners as recited in amended claim 25.

At paragraph 13 of the Office action, the Office takes the position that the loop fastener of LaFortune is stretched around the wearer, engaged with the hook component and released so as to allow or provide a retractive force or urged sliding movement. However, there is no disclosure by LaFortune that any sliding movement of the fastening components is urged at the engagement seam therebetween. Indeed, even if the elastic straps retracts following engagement of the fasteners (and LaFortune lacks any disclosure that such is the case), the opposite ends of the article may simply be pulled toward each other so that no relative movement between the hook and loop fasteners occurs. Rather, the relative movement urged by the elastic strap is movement of the ends of the article relative to the wearer and toward each other.

For these reasons, claim 25 is submitted to be unanticipated by and patentable over LaFortune et al.

Sommers et al. disclose a surgical glove retaining device comprising an elastic strip (10) having a hook material (30)

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and a loop material (26) disposed at longitudinally opposite ends (16, 14) of the elastic strip (10). The disclosed method of attaching the strips of hook and loop material to the elastic strip is sewing or any other conventional method. In use, the elastic strip (10) is stretched about the wearer's forearm/wrist area, and the hook material is retainingly engaged with the loop material. The elastic strip (10) then retracts to form a tight fit around the wearer's forearm/wrist (see column 10, lines 28-34). However, Sommers et al. lack any disclosure or suggestion of urging sliding movement of one fastening component relative to the other at the engagement seam therebetween to strengthen the engagement between the fasteners.

For these reasons, claim 25 is also submitted to be unanticipated by and patentable over Sommers et al.

The other references of record similarly fail to show or suggest all of the features recited in amended claim 25.

For the above reasons, claim 25 is submitted to be unanticipated by and patentable over the references of record.

Claims 26 and 27 depend directly or indirectly from claim 25 and are submitted to be patentable over the references of record for the same reasons as claim 25.

Claim 26

Claim 26 depends directly from claim 25 and further recites that the step of urging sliding movement of the one fastening component relative to the other fastening component comprises at least one of retracting and contracting the

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fastening component relative to the other component at the engagement seam following engagement of the components.

Whether considered alone or in combination, LaFortune et al., Sommers et al. and the other references of record fail to show or suggest retracting and/or contracting one fastening component relative to the other fastening component at the engagement seam therebetween.

In the fastening system disclosed by LaFortune et al., the hook fasteners (54) are bonded to the elastic straps (50). There is no disclosure that the hook fasteners themselves are stretchable, nor is it disclosed that the hook fasteners are secured to the elastic straps in a manner such that the hook fasteners themselves can be stretched or contracted relative to loop fasteners following engagement therebetween. Rather, bonding of the hook fasteners to the elastic strips inhibits the elasticity of the straps at the bonded location and prevents contraction and/or retraction. That is, while the elastic straps may be stretched to fasten the hook fasteners to the loop fasteners, the portion of the strap to which the hook fasteners are secured (which also corresponds to the engagement seam following engagement with the loop fasteners) does not stretch and therefore cannot retract at the engagement seam following engagement. LaFortune et al. also fail to show or suggest that the hook fastener may be capable of contraction following engagement.

Sommers et al. also fail to disclose or suggest retraction and/or contraction of one fastener relative to another fastener at the engagement seam. Rather, retraction of the elastic strip (10), if any, occurs only those portions of the strip to

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which the fasteners are not secured (e.g., longitudinally between the fasteners, and not at the engagement seam defined by engagement between the fasteners.

For these additional reasons, claim 26 as amended is further submitted to be unanticipated by and patentable over the references of record.

For these reasons, claim 26 is submitted as unanticipated and patentable.

Claim 27

Claim 27 depends from claim 26 and is amended herein to further recite that it is the loop component substrate is elastomeric whereby the loop component (which is defined by securement of the loop material to the elastomeric substrate) is elastomeric. The method further comprises stretching the elastomeric loop component prior to engaging the fastening components with each other such that the portion of the loop component to be secured to the hook component is stretched. The urging step thus comprises releasing the stretched loop component following engagement of the fastening components such that the loop component retracts relative to the hook component at the engagement seam.

LaFortune et al. fail to show or suggest such a feature. With respect its disclosure of hook and loop fasteners (54, 52), LaFortune solely discloses securing the loop fasteners (54) to the moisture barrier (40) and securing the hook fasteners (54) to the elastic strap (50). There is no disclosure the hook and loop fasteners may be interchanged. Nor is there any disclosure that the moisture barrier (40) to

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which the loop fasteners (52) are secured is stretchable. Thus, on the surface, LaFortune et al. clearly fail to show or suggest that the loop material is stretchable and retractable (e.g., that the loop component is elastomeric).

More notably, LaFortune et al. also fail to disclose or suggest that the hook fastener (54) is secured to the strap (50), or that the loop fastener (52) is secured to the moisture barrier (40), in such a manner that the hook fastener or loop fastener can be stretched and retracted at the engagement seam.

Sommers et al. also fail to show or suggest stretching the loop component at the portion of the loop component to be engaged with the hook component, and then retracting the loop component at the engagement seam following engagement with the hook component.

For these additional reasons, claim 27 is further submitted to be unanticipated by and patentable over the references of record.

Claim 30

Reconsideration of the rejection of claim 30 as being anticipated by LaFortune et al. is respectfully requested.

Claim 30 as amended herein is directed to a method of securing an absorbent article in a fastened configuration for personal wear. The method comprises:

a) forming an absorbent article to have a body having first and second end regions, the body comprising an inner layer for contact with a wearer's skin wherein at least a portion of the inner layer is liquid permeable, an outer layer

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in opposed relation with the inner layer, and an absorbent layer disposed between the inner layer and the outer layer;

b) positioning a mechanical fastening system on the body, the mechanical fastening system comprising a loop component and a hook component, the loop component comprising a loop material secured to an elastomeric substrate such that the loop component is elastomeric at the loop material, the hook component being fastenably engageable with the loop material of the loop component;

c) stretching the loop component at the loop material;

d) engaging the hook component and the loop component whereby the hook component fastenably engages the loop material of the loop component; and

e) allowing the loop component to retract at the loop material.

Claim 30 is amended herein to clarify that the loop material is secured to an elastomeric substrate in a manner such that the loop component (i.e., the combined loop material and substrate) is elastomeric at the loop material. That is, the both the loop material and substrate elongate and retract relative to an initial relaxed configuration of the loop component. Thus, upon stretching of the loop component at the loop material, the loop material will elongate prior to engagement with the hook material. Following engagement, the loop material retracts, thereby enhancing the engagement between the hook and loop components.

Claim 30 is submitted to be unanticipated by and patentable over the references of record, and in particular LaFortune et al., in that whether considered alone or in

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combination the references fail to show or suggest the method wherein the loop component is elastomeric at the loop material such that the loop component is stretched at the loop material, engaged with the hook material while in a stretched condition, and then retracted at the loop material.

As discussed above in connection with claim 27, LaFortune fails to disclose or even suggest securing a loop material to an elastomeric substrate. Rather, the loop fastener (52) of LaFortune is disclosed only as being secured to the moisture barrier (40) (which is not disclosed as being elastomeric). While the Office action characterizes the loop fastener (52) as being secured to the strap (50), there is clearly no suggestion found in LaFortune for placing the loop fasteners (52) on the strap (50) and the hook fasteners (54) on the moisture barrier (40).

LaFortune further fail to show or suggest a loop component being elastomeric at the loop material such that the method includes the step of stretching the loop component at the loop material. Even assuming for arguments sake that the loop fastener (52) is secured to the strap (50) of LaFortune et al., there is still no disclosure or suggestion found in LaFortune et al. for securing the loop fastener to the strap (50) so that both the strap and loop fastener are capable of stretch and retraction at the loop fastener.

The other references similarly fail to disclose or suggest all of the features recited in amended claim 30.

For these reasons, claim 30 as amended herein is submitted to be unanticipated by and patentable over the references of record.

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Claims 17-19 and 31 depend directly from claim 30 and are submitted to be patentable over the references of record for the same reasons as claim 30.

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Conclusion

In view of the foregoing, favorable consideration and allowance of claims 17-19, 25-27, 30 and 31 as now presented is respectfully requested.

Respectfully submitted,



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